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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,981	01/31/2004	Joseph J. Mazzilli	234RK001	4527

42173 7590 09/14/2005

LAW OFFICE OF RICHARD B. KLAR  
28 East Old Country Road  
Hicksville, NY 11801

EXAMINER

PHAN, THANH S

ART UNIT PAPER NUMBER

2841

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/768,981	Applicant(s) MAZZILLI ET AL.	
	Examiner Thanh S. Phan	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-12 and 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Gorden [US 2003/0198137].

Regarding claims 1 and 10, Gorden discloses a personalized alarm clock comprising : an alarm clock [10]; a display [16] housed within said alarm clock; one or more speakers [28] housed within said alarm clock; and a removably attachable video/audio data source having user's video/audio footage stored thereon, said video/audio data source attaches to said alarm clock to input the user's video/audio footage into said alarm clock to be played on said display and/or emitted through said one or more speakers [para [0044]].

Regarding claims 6 and 17, Gorden further discloses that the alarm clock comprising input/output ports [32, 34].

Regarding claims 7, 8, 18 and 19, Gorden discloses that the alarm clock is capable of interfacing with a remote device to provides audio and/or image data [para [0045]].

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Regarding claim 9, Gorden discloses that the alarm clock is capable of displaying audio/video data from CD/DVD and other devices. The contained audio/video footage is a personal favorite to that particular individual/user.

Regarding claims 11 and 20, Gorden discloses that the alarm clock further comprises a CD player and a radio [abstract].

Regarding claim 12, Gorden discloses a personalized alarm clock system [10] comprising: a housing [12 and 14]; a removable video/audio data source [CD and/or DVD] which connects to a video/audio data access area positioned within said housing [figure 1; the contained audio/video footage is a personal favorite to that particular individual/user]; a control unit [CPU 42] positioned within said housing, said control unit is operatively connected to said video/audio data source; a display [16] positioned within said housing, said display is operatively connected to said control unit; one or more speakers [28] positioned within said housing, said one or more speakers is operatively connected to said control unit; a plurality of alarm/timing setting members [20, 22, 26] for setting the current time of the alarm clock and for programming the control unit to store the current time, said plurality of alarm/time setting members positioned within said housing [figure 1], said plurality of alarm/timing setting members causes the control unit to display the current time on said display; a plurality of alarm control members [20, 22, 26] positioned within said housing, said plurality of alarm control members program an alarm mode or modes such as a video/audio alarm mode into the control units [para [0065]]; and whereby when said control unit determines that the preset alarm time has arrived and that the video/audio alarm mode has been

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selected, the control unit will read said selected favorite video footage, video footage with audio and/or audio footage information stored on said video/audio data source and have this information played on said display and/or emitted through said one or more speakers, depending upon whether the information is video footage, video footage with audio, and audio information [para [0029] +].

Regarding claim 21, Gorden discloses the alarm clock comprises a camera [53].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorden in view of Wilska et al. [US 6,427,078].

Regarding claims 2, 3, 13 and 14, Gorden discloses that the video/audio data source can be a digital memory, DVD, CD, floppy disk, tape, or flash memory etc. except for it is being a PCMCIA card.

Wilska et al. disclose a portable data collecting and data processing device comprising a PCMCIA card.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a PCMCIA card as the memory device for the purpose of improving data processing.

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Claims 4, 5, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorden.

Regarding claims 4, 5, 15 and 16, Gorden disclose that the display device may be any well known type of devices [para [0058]] except for explicitly specifying it is a color liquid display which has a backlit display with brightness control for easy viewing.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a color liquid display which has a backlit with brightness control for the purpose of personalizing viewing references.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jung-Sun [US 4,498,787]; Tyree [US 5,369,797]; Steinbach [US 6,483,782].


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tsp



**KAMAND CUNEO**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**